

**REMARKS**

The Final Office Action dated May 23, 2005 contained a final rejection of claims 1-20. The Applicant has amended claims 1, 5, 11, 14, 15, and 18. Claims 1-20 are in the case. Please consider the present amendment with the attached Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. This amendment is in accordance with 37 C.F.R. § 1.114. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Selitrennikoff et al. (U.S. Patent No. 6,301,612) in view of Winkel (U.S. Patent No. 5,600,632).

The Applicant respectfully traverses this rejection based on the amendments to the claims and the arguments below.

Namely, Selitrennikoff et al. alone or in combination with Winkel do not disclose, teach, or suggest all of the claimed features of the amended claims. For example, the combination of Selitrennikoff et al. with Winkel disclose a server that compares a transmitted "...unique identifier to known unique identifiers, recognizes that the client computer's unique identifier is previously unknown, and then configures the network environment to treat the client computer as a new or replacement computer..." (see col. 1, lines 9-16 of Selitrennikoff et al.) and a "...plurality of network analyzers...combined into a network performance analysis tool for analyzing complex and widely distributed networks." (see Abstract of Winkel).

In contrast, the Applicant's amended claims now include "...configuring the replacement programmable device at the service center using the user-specific data associated with the one of the plurality of programmable devices and the corresponding user before the user receives the programmable device and without establishing a connection between the service location and the user..." This is very different from the combination of Selitrennikoff et al. and Winkel, which disclose "[W]hen replacement hardware or an entire computer is added to the network, the client computer may be connected to the network and booted with little or no user input. Moreover, the operating system is automatically updated in response to new hardware that must be operated during the bootup process." [*emphasis added*] (see col. 2, lines 61-66 of Selitrennikoff et al.). Clearly, the combined references are missing the Applicant's configuring the replacement programmable device at the service location without establishing a connection between the service location and the user.

Further, even though the combined references do not disclose, teach or suggest all of the Applicant's claimed features, they should not even be considered together. This is

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because Selitrennikoff et al. teaches away from the Applicants' claimed invention. Namely, Selitrennikoff et al. explicitly states that "...a preliminary connection is established between the client computer and a server computer **before the bootup operation is initiated**. The preliminary connection is used to ensure that the operating system is properly configured and the appropriate device drivers for the critical hardware components are installed before bootup occurs." [emphasis added] (see col. 3, lines 9-14 of Selitrennikoff et al.).

This is the opposite of the Applicant's claimed invention which configures the replacement programmable device at the service location without establishing a connection between the service location and the user and then delivers the repaired device to the user. Since Selitrennikoff et al. requires "...a preliminary connection is established between the client computer and a server computer **before the bootup operation is initiated**," it clearly teaches away from the Applicant's claimed invention. This teaching away of the Applicant's invention and the failure of the cited references to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness. Thus, the references cannot render the claims obvious. Consequently, the Applicants' respectfully submit that the rejections under 35 U.S.C. 103 should be withdrawn. (MPEP 2143).

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly requests the Examiner to telephone the Applicants' attorney at (818) 885-1575. Please note that all mail correspondence should continue to be directed to

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